

144996

736

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

ORIGINAL  
NOV - 4 A 6:36

In re Application of

Spokane Public Radio, Inc. ) File No. BNPFT-20130822AFA  
Application for Construction Permit ) Facility Id. No. 144996  
For a New FM Translator Station )  
Coeur d'Alene, Idaho )

RECEIVED - FCC

OCT 31 2013

Federal Communications Commission  
Bureau / Office

To: Federal Communications Commission  
Attn: Media Bureau, Audio Services Division

**Reply to Opposition to Petition to Deny**

QueenB Radio, Inc., licensee of FM Translator Station K262AG, Spokane, Washington, Facility Id. No. 81398,<sup>1</sup> by its attorneys, hereby files this Reply to the "Opposition to Petition to Deny"<sup>2</sup> the above-referenced application for construction permit for a new FM translator station (the "Coeur d'Alene Application") filed by Spokane Public Radio, Inc. ("SPR").<sup>3</sup> SPR ignores Commission regulation that requires the Coeur d'Alene Application to protect K262AG. SPR dismisses concerns by K262AG listeners regarding their potential loss of service within the protected contour of the Coeur d'Alene Application (the "Protected Contour") in the event the FCC grants the application. The Commission should dismiss the Coeur d'Alene Application for violating Section 74.1204(f) of the Commission's Rules. In support thereof, the following is hereby shown.

<sup>1</sup> The FCC License for K262AG identifies the communities of license for K262AG as Spokane, Etc., Washington.

<sup>2</sup> SPR filed its Opposition on September 27, 2013 and an Engineering Supplement on September 30, 2013. This Reply responds to both pleadings.

<sup>3</sup> Because of the government shutdown, the Commission extended the filing deadline for regulatory filings that would otherwise be required to be filed between October 17, 2013 and November 4, 2013 until November 4, 2013. See *Public Notice DA 13-2025* (rel. Oct. 17, 2013). The filing deadline for this pleading falls between those two dates. Thus, this pleading is timely filed.

### **Facts**

In its Petition to Deny, QueenB Radio requested dismissal of the Coeur d'Alene Application for violating Section 74.1204(f) of the Commission's Rules. QueenB Radio included statements from 18 listeners who stand to lose service from K262AG if the Commission grants the Coeur d'Alene Application.

In its Opposition, SPR makes three arguments for granting the Coeur d'Alene Application. First, the Coeur d'Alene Application fully complies with the Commission's technical rules and does not deny any interference protection to which K262AG is entitled. Second, the statements from the 18 listeners are hearsay. Third, any listeners within the Protected Contour presently receive an acceptable signal from KXLY-FM.

### **Legal Argument**

SPR is mistaken in its assertion that the Coeur d'Alene Application is rule compliant. Section 74.1204 establishes the standard pursuant to which licensed FM translator stations are protected from a subsequently filed application for a new FM translator station. Section 74.1204(f) states in relevant part that:

“An application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if the predicted 1 mV/m field strength contour of the FM translator station will overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including Class D (secondary) noncommercial educational FM stations and grant of the authorization will result in interference to the reception of such signal.”<sup>4</sup>

---

<sup>4</sup> 47 C.F.R. §74.1204(f).

The clear and unambiguous language of Section 74.1204(f) prohibits the Coeur d'Alene Application from causing interference to the regular reception of K262AG within the predicted 1 mV/m field strength contour of the Coeur d'Alene Application if the application overlaps a populated area already receiving a regularly used, off-the-air signal of K262AG. The Coeur d'Alene Application must satisfy the requirements of Section 74.1204; failure to do so requires dismissal of the translator application. Legal authority therefore does exist for protecting K262AG from interference from the Coeur d'Alene Application.

SPR mischaracterizes the listener statements from K262AG listeners as “unverified emails from putative listeners” and “inadmissible hearsay”. QueenB Radio exercised care in submitting the listener statements.<sup>5</sup> Each listener statement includes the name, address, email address and in some instances, the telephone number of the listener.<sup>6</sup> Each listener states they cannot listen to KXLY-FM on 99.9 MHz but can listen to the station on K262AG.<sup>7</sup> The listeners identify whether they listen to K262AG in Coeur d'Alene or Hayden.<sup>8</sup> This fact is important because as the attached Engineering Statement shows, not only does each listener reside within

---

<sup>5</sup> QueenB Radio did not include additional complaints it received from K262AG listeners located outside the predicted contour of the Coeur d'Alene Application. Instead, QueenB Radio focused on statements from listeners residing in the Protected Contour.

<sup>6</sup> SPR had more than sufficient information to contact each listener to verify the bona fides of each listener statement. Having provided satisfactory information regarding listener complaints, the burden is on SPR to demonstrate that the listener complaint should be disregarded. SPR has not made any showing to this effect.

<sup>7</sup> See, e.g., Statement of Rhonda Ellis (KXLY comes in clear on 100.3 but static on 99.9); Statement of Jeremiah Banks (can listen to KXLY on 100.3 but not 99.9 MHz); Statement of Shari Aiken (loves listening to KXLY on 100.3 but cannot listen on 99.9); Statement of Savannah Clapper (can't pick up KXLY on 99.9 but can listen on 100.3); Statement of Chrissy Aresvik (loves listening to the KXLY morning show on 100.3 but can't listen on 99.9); Statement of Charity Yerian (listens to KXLY on 100.3 because the reception on 99.9 is poor and fuzzy); Statement of John Hauser (can only listen to KXLY on 100.3 in Coeur d'Alene). Although these listener statements were included with the original petition to deny, for the sake of convenience the listener statements cited in this pleading are attached as Exhibit 2.

<sup>8</sup> See, e.g., Statement of Rhonda Ellis (listens to K262AG at work); Statement of Kacee Baker (listens to K262AG in Coeur d'Alene); Statement of Jeremiah Banks (listens to K262AG in Coeur d'Alene); Statement of Ashley Kelley (listens to K262AG in Coeur d'Alene and Hayden); Statement of John Hauser (listens to K262AG in Coeur d'Alene).

the Predicted Contour<sup>9</sup> but the Predicted Contour encompasses the communities of Coeur d'Alene and Hayden.

The listener statements provide information on when and where they listen. For example, Rhonda Ellis states that she listens on her “radio at work in Coeur d’Alene”.<sup>10</sup> Ms. Ellis then lists her place of employment<sup>11</sup> and expresses her enthusiasm for KXLY-FM:

“I do love your station, but find it frustrating that I can’t bring you up on the channel you are known for. Thankfully I can get it through 100.3 through!”<sup>12</sup>

Ashley Kelley listens to KXLY-FM on K262AG in Hayden and Coeur d’Alene and provides her home and work addresses.<sup>13</sup> While admittedly other listeners do not provide specific locations where they listen, they make it clear that they listen in Coeur d’Alene, which is located within the Protected Contour. Mr. Jeremiah Banks states how he loves listening to KXLY-FM on 100.3 but can’t listen to the station on 99.9 in Coeur d’Alene.<sup>14</sup> He is concerned that if he cannot listen to KXLY-FM on 100.3 in Coeur d’Alene then he won’t be able to listen to KXLY-FM at all.<sup>15</sup> Savannah Clapper and John Hauser express similar concerns.<sup>16</sup>

SPR dismisses these concerns, demanding more information. While the listener statements more than satisfactorily demonstrate that the Coeur d’Alene Application fails to comply with Section 74.1204(f), enclosed are declarations from three K262AG listeners in further support. The first declaration is from Sandy Maitland.<sup>17</sup> Ms. Maitland listens each weekday between 6:00 a.m. and 10:00 a.m. to KXLY-FM on K262AG at her home at 4177 Echo

---

<sup>9</sup> See Engineering Statement of Erik Swanson of Hatfield & Dawson, attached as Exhibit 1.

<sup>10</sup> See Statement of Rhonda Ellis.

<sup>11</sup> Columbia Electric Supply, 3926 N. Schreiber Way, Coeur d’Alene, Idaho 83815.

<sup>12</sup> See Statement of Rhonda Ellis.

<sup>13</sup> See Statement of Ashley Kelley.

<sup>14</sup> See Statement of Jeremiah Banks.

<sup>15</sup> See Id.

<sup>16</sup> See Statement of Savannah Clapper and Statement of John Hauser.

<sup>17</sup> Ms. Maitland’s Declaration is attached as Exhibit 3.

Glenn, Coeur d'Alene, Idaho 83815.<sup>18</sup> Ms. Maitland cannot listen to KXLY-FM on its regular frequency, 99.9 MHz. However, she can listen to KXLY-FM on K262AG.<sup>19</sup>

The second declaration is from Nikki Lambert.<sup>20</sup> Self-described as KXLY-FM's Number 1 listener, Ms. Lambert listens to KXLY-FM on K262AG at least twice a week during the morning at her home, 2712 W. Wilbur Avenue, Coeur d'Alene, Idaho 83815.<sup>21</sup> Each weekday she drives her children and other children to and from school. Her travels take her through a square grid bordered by North Atlas Road to the west and North Ramsay Road to the east. She can listen to KXLY-FM on 99.9 MHz when driving in her car south of West Prairie Avenue, but cannot when driving north of West Prairie Avenue. Instead, when driving north of West Prairie Avenue, she must switch and listen to K262AG.<sup>22</sup>

Ms. Lambert's husband Jason has a similar problem.<sup>23</sup> He listens to KXLY-FM when driving between their home and Gonzaga University. When listening to KXLY-FM on Interstate 90 between North Ramsey Street in Coeur d'Alene and Hamilton Street in Spokane, Mr. Lambert has to alternate between listening to KXLY-FM and K262AG.<sup>24</sup>

The record establishes that listeners within the Protected Contour have difficulty listening to KXLY-FM and consequently listen to K262AG instead. SPR argues this is not possible given the high signal strength of KXLY-FM within the Protected Contour. But neither a standard contour calculation conducted in accordance with Section 73.313 nor a Longley-Rice analysis take into consideration the factors which lead to real world multipath distortion in receivers.

---

<sup>18</sup> See Id.

<sup>19</sup> See Id.

<sup>20</sup> Ms. Lambert's Declaration is attached as Exhibit 4.

<sup>21</sup> See Id.

<sup>22</sup> See Id.

<sup>23</sup> Mr. Lambert's Declaration is attached as Exhibit 5.

<sup>24</sup> See Id.

KXLY-FM has long suffered from areas of stereo multipath distortion in the Rathdrum Prairie area. The relatively flat terrain upon which Coeur d'Alene and Hayden are located are bound by the Coeur d'Alene Mountains to the east and Mica Peak/Blossom Mountains to the South. The combination of the signal reflections from these mountains immediately east and south of Coeur d'Alene and Hayden and the relatively high power of KXLY-FM would contribute to the multipath effect.<sup>25</sup> Signal reflections would result in the main KXLY-FM signal arriving at the receiver by two or more paths, resulting in the signals being out of phase with each other and an unsatisfactory distorted signal for the listener.<sup>26</sup>

It comes as no surprise then that listeners in Coeur d'Alene and Hayden would experience time and time again situations where they cannot listen to KXLY-FM on 99.9 MHz but can listen to the station on K262AG on 100.3 MHz. Providing distortion-free service to KXLY-FM listeners in these communities is why QueenB Radio filed the initial construction permit for K262AG in 1996 and commenced operation in 1998. Absent an interfering signal, the correspondingly low signal strength of K262AG can be successfully received and perceived as having a higher signal quality by the listener than KXLY-FM.<sup>27</sup>

### **Conclusion**

The listener statements and the declarations of Ms. Maitland, Ms. Lambert and Mr. Lambert underscore the necessity of K262AG continuing operations interference free. Contrary to SPR's assertions, listeners in Hayden and Coeur d'Alene rely upon K262AG to listen to KXLY-FM. These listeners are within the protected contour of the Coeur d'Alene Application.

---

<sup>25</sup> See Engineering Statement of Erik Swanson.

<sup>26</sup> See Id.

<sup>27</sup> See Id.

If the Commission grants the Coeur d'Alene Application, these listeners and others will no longer be able to listen to K262AG.

The Commission must dismiss the Coeur d'Alene Application for failing to comply with Section 74.1204(f). Approval of the application would result in interference to K262AG listeners. The public interest is better served in dismissing the Coeur d'Alene Application so that the continuing needs of listeners of K262AG may be served.

WHEREFORE, FOR THE FOREGOING REASONS, QueenB Radio, Inc. requests the Commission grant this petition to deny and dismiss Spokane Public Radio's application for a construction permit for a new FM Translator station at Coeur d'Alene, Idaho.

Respectfully submitted,

**QUEENB RADIO, INC.**



---

David G. O'Neil, Esq.  
Rini O'Neil, PC  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036  
(202) 955-3931

October 31, 2013

**EXHIBIT 1**

**ENGINEERING STATEMENT OF ERIK SWANSON**



BENJAMIN F. DAWSON III, PE  
THOMAS M. ECKELS, PE  
STEPHEN S. LOCKWOOD, PE  
DAVID J. PINION, PE  
ERIK C. SWANSON, PE

THOMAS S. GORTON, PE  
MICHAEL H. MEHIGAN, PE

HATFIELD & DAWSON  
CONSULTING ELECTRICAL ENGINEERS  
9500 GREENWOOD AVE. N.  
SEATTLE, WASHINGTON 98103

TELEPHONE (206) 783-9151  
FACSIMILE (206) 789-9834  
E-MAIL [hatdaw@hatdaw.com](mailto:hatdaw@hatdaw.com)

JAMES B. HATFIELD, PE  
PAUL W. LEONARD, PE  
CONSULTANTS

MAURY L. HATFIELD, PE  
(1942-2009)

**Engineering Statement**  
**Reply to Opposition to Petition to Deny BNPFT-20130822AFA**  
**For a New FM Translator on Channel 262D at Coeur d'Alene, Idaho**

This Engineering Statement has been prepared on behalf of QueenB Radio, Inc. ("QueenB"), licensee of FM translator station K262AG at Spokane, Washington, in support of a Reply to Opposition to Petition to Deny BNPFT-20130822AFA, an application for a new FM translator on Channel 262D at Coeur d'Alene, Idaho, filed by Spokane Public Radio ("SPR").

The proposed Coeur d'Alene translator facility would operate on Channel 262D, cochannel with QueenB's own translator K262AG, in an area where there is regularly-used reception of K262AG.

Section 74.1204(f) of the Commission's Rules states plainly that:

*(f) An application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if the predicted 1 mV/m field strength contour of the FM translator station will overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including Class D (secondary) noncommercial educational FM stations and grant of the authorization will result in interference to the reception of such signal.*

SPR's proposed translator facility would operate from a transmitter site on West Canfield Butte, a mountaintop which overlooks the cities of Coeur d'Alene and Hayden, as well as adjacent communities in the Rathdrum Prairie. Within the 60 dBu contour of SPR's proposed facility reside over 69,000 persons per the 2010 Census. While Coeur d'Alene and Hayden are located outside the K262AG 60 dBu contour, the language of §74.1203(a) clearly protects existing reception of K262AG in this area.

**Maps of Listener Locations**

As was discussed in the Petition to Deny, the following listeners have contacted QueenB to express their concern that they not lose the programming provided by K262AG, which retransmits the country music programming of KXLY-FM (branded as "Coyote Country"). The attached map exhibit

plots the addresses of those listeners who provided statements reporting listening to the translator within the 60 dBU contour which SPR has proposed in BNPH-20130822AFA.<sup>1</sup>

A	Teresa McKellips 11038 N Cutlass St Hayden, ID 83835
B	Andrea Shafer 440 E Wyoming Ave Hayden, ID 83835
C	Chrissy Aresvik 11916 N Reed Rd Hayden, ID 83835
D	Cody Tucker 895 Bruce Ln Hayden, ID 83835
E	Nikki Lambert 2712 W Wilbur Ave Coeur d'Alene, ID 83815
F	John Hauser 3015 N 4 <sup>th</sup> Street, Apt 94 Coeur d'Alene, ID 83815
G	Nicole Ingram 3118 N 10 <sup>th</sup> St Coeur d'Alene, ID 83815
H	Rhonda Ellis 3926 N Schreiber Way Coeur d'Alene, ID 83815
I	Jeremiah Banks 1723 W Monet Dr Coeur d'Alene, ID 83815

---

<sup>1</sup> Two additional listeners included in the Petition to Deny (Ryan Duval-Large and Charity Yerian) listed addresses which are outside of SPR's proposed 60 dBU contour.

J	Jennifer McNulty 3279 W Manning Loop Coeur d'Alene, ID 83818
K	Kaycee Baker 7256 N Freezeout Coeur d'Alene, ID 83815
L	Jay Daniels 10960 N Maple St Hayden, ID 83835 (home)  1106 E Sherman Ave Coeur d'Alene, ID 83814 (work)
M	Jessica McGovern 500 N Government Way Coeur d'Alene, ID 83814
N	Savannah Clapper 421 W Lacrosse Ave Coeur d'Alene, ID 83814
O	Tianna Allen 2501 E Sherman Ave #223 Coeur d'Alene, ID 83814
P	Shari Aiken 4948 Cougar Circle Coeur d'Alene, ID 83814

QueenB has secured declarations from certain listeners, providing additional detail on their K262AG listening habits and locations. The attached map exhibit plots the listening locations of those listeners providing declarations who report listening to the translator within the 60 dBu contour which SPR has proposed in BNPH-20130822AFA.

#### **Longley-Rice Study**

Furthermore, operation of the Coeur d'Alene translator is likely to cause interference to reception of K262AG in the communities of the Spokane Valley (including the city of Spokane Valley). Indeed, K262AG operates from an elevated transmitter site overlooking much of the densely-populated Spokane area. Line-of-sight conditions to the valley are quite extensive, such that despite the relatively lower power of K262AG, extensive areas outside the K262AG 60 dBu contour are able to successfully receive this existing translator.

A study has been made of the predicted interference to reception of K262AG has been performed using Longley-Rice methodology. While evaluation using Longley-Rice methodology is not explicitly accommodated in the FM translator allocation rules in Part 74, Subpart L, the methodology is well-known and well-understood among consulting broadcast engineers and at the Commission. The study results are included in this Engineering Statement in order to graphically illustrate the widespread interference which operation of the Coeur d'Alene translator can reasonably be expected to cause to reception of K262AG.

On the attached map exhibit, areas which are shaded either red or green are predicted to receive a signal strength of at least 50 dBu from K262AG, which is a quite sufficient signal level, particularly for mobile reception. Areas shaded green are not predicted to be subject to interference from the Coeur d'Alene translator, using a D/U signal ratio of 20 dB for cochannel operation. Areas shaded red are predicted to be subject to interference from the Coeur d'Alene translator; the interference is predicted to affect about 157,000 persons who would otherwise receive at least a 50 dBu<sup>2</sup> signal from K262AG.

While for the most part the areas of predicted interference are located outside the K262AG protected contour, they are nevertheless protected from actual interference by the language of §74.1203 of the Commission's Rules, which states in relevant part that:

*(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to:*

*...*

*(3) The direct reception by the public of the off-the-air signals of any authorized broadcast station including TV Channel 6 stations, Class D (secondary) noncommercial educational FM stations, and previously authorized and operating FM translators and FM booster stations. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.*

Should the Coeur d'Alene translator be authorized by the Commission, despite the clear violation of §74.1204(f) described above, SPR can expect QueenB to be vigilant in asserting its interference protection rights under §74.1203 of the Commission's Rules.

### **Consideration of KXLY-FM signal strength vs K262AG signal strength**

SPR, in its Opposition, questions why any listener would utilize the signal of K262AG in the Coeur d'Alene and Hayden area, given that KXLY-FM is predicted to place (by their calculations) at least an 80 dBu signal in the vicinity of Coeur d'Alene.

---

<sup>2</sup> An FM signal can often be received at a level even lower than 50 dBu, particularly in the absence of interference. The 50 dBu signal depicted was chosen for illustrative purposes only, and does not represent the lower limit of listenability.

We concur that the areas in question are predicted to receive a high signal strength from KXLY-FM, and a comparatively lower signal strength from K262AG. However, neither a standard contour calculation conducted in accordance with §73.313 nor a Longley-Rice terrain-dependent analysis can account for the factors which lead to real-world multipath distortion of the KXLY-FM signal at listeners' receivers.

According to KXLY-FM engineering staff, direct reception of KXLY-FM in the Rathdrum Prairie area (an area of relatively flat terrain lying between the Coeur d'Alene mountains on the east and the Mica Peak / Blossom Mountain highlands on the south, and upon which the cities of Hayden and Coeur d'Alene are situated) has long suffered from areas of stereo multipath distortion. It is precisely this problem which led KXLY-FM to establish K262AG in the first place, as a means of providing distortion-free service to listeners. Some of the factors which would be expected to contribute to this multipath effect would be signal reflections from the mountains immediately east and south of the communities of Hayden and Coeur d'Alene, and the relatively high power of the KXLY-FM transmissions.

Signal reflections would result in the main KXLY-FM signal arriving at the receiver location by two or more paths. The varying lengths of these paths result in the signals arriving out of phase with each other. The outcome is an unsatisfactory distorted sound quality for the listener, who would clearly prefer to listen to an undistorted signal if they have that option.

Indeed, it has been our professional experience that a low-powered transmission – despite a correspondingly low signal strength – both a) can be successfully received in the absence of an interfering signal, and b) can often be perceived as having a higher signal “quality” to the ear of the listener. The latter effect appears to be associated with the lower-powered station's signal being less-susceptible to multipath effects. This is likely the result of attenuation of the reflected signal (due to the longer path followed by the reflected signal and also the effects of multipath scattering) to a level which is below the receiver threshold.

Therefore, the comparatively higher signal strength of KXLY-FM is not of particular relevance to this proceeding. More important is the practical real-world experience of KXLY-FM listeners in the Hayden and Coeur d'Alene area who have made the choice to listen to KXLY-FM programming on K262AG due to an unsatisfactory listening experience on the main 99.9 MHz frequency.

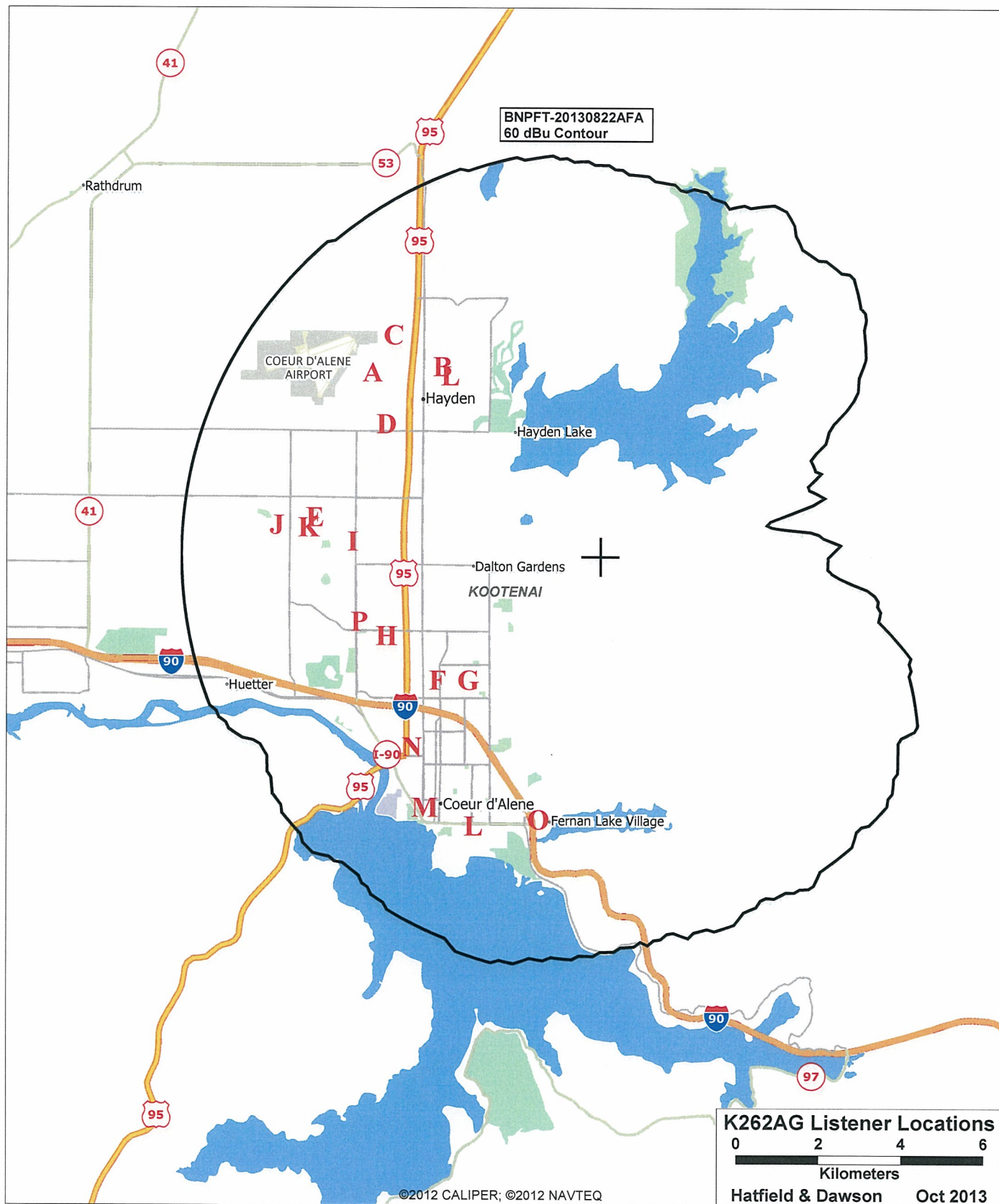
**Statement of Engineer**

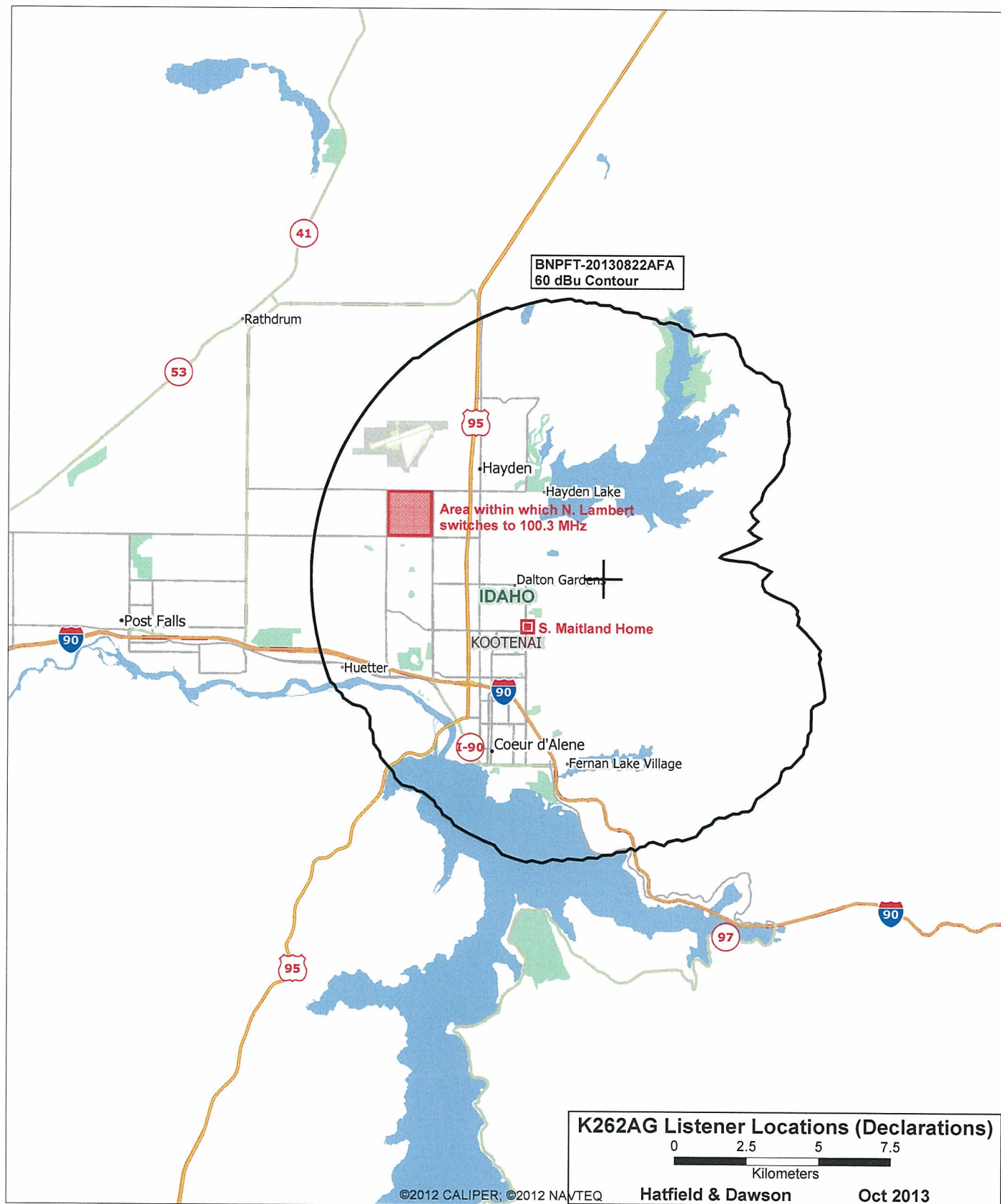
This Engineering Statement has been prepared by Erik C. Swanson. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am registered as a Professional Engineer in the States of Washington and Colorado. I hereby declare that the facts set out in the foregoing Engineering Statement, except those of which official notice may be taken, are true and correct.

Signed this 29<sup>th</sup> day of October, 2013.

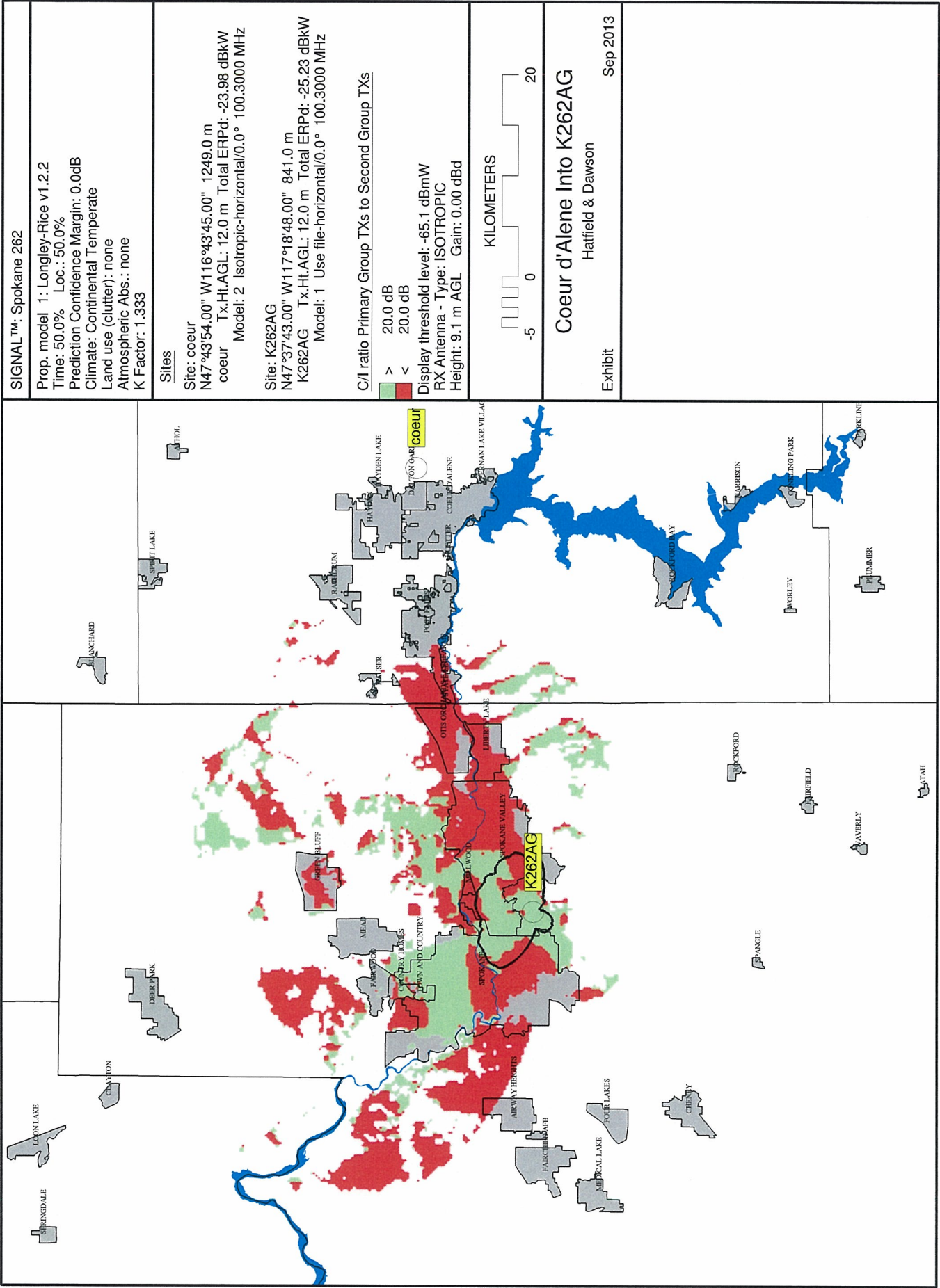


Erik C. Swanson, P.E.









**EXHIBIT 2**  
**LISTENER STATEMENTS**

**David O'Neil**

---

**From:** Rhonda Ellis [rhonda@ces-cda.com]  
**Sent:** Thursday, September 12, 2013 2:21 PM  
**To:** Jay Daniels; David O'Neil; Rebecca Rini  
**Subject:** 99.9 vs. 100.3

On my radio at work in Coeur d'Alene, Coyote Country comes in clear on 100.3 while it is very staticy on 99.9.

I do love your station, but find it frustrating that I can't bring you up on the channel you are known for. Thankfully I can get it through 100.3 though! ☺

Thank you,

***Rhonda Ellis***  
**Columbia Electric Supply**  
3926 N. Schreiber Way  
Coeur d'Alene, ID 83815  
Ph: 208-667-0627  
Fax:208-667-8703

**David O'Neil**

---

**From:** Kacee Baker [kaceebaker@gmail.com]  
**Sent:** Thursday, September 12, 2013 2:17 PM  
**To:** Jay Daniels; David O'Neil; Rebecca Rini  
**Subject:** 100.3

Hey, I live in CDA and listen to 100.3 because I don't get 99.9. Love your station;)   
Kacee Baker  
7256 N Freezeout  
Coeur d Alene, ID 83815

9/12/2013

**David O'Neil**

---

**From:** Jay Daniels [jayd@kxly.com]  
**Sent:** Thursday, September 12, 2013 2:28 PM  
**To:** David O'Neil; Rebecca Rini  
**Subject:** Fwd: Coyote Country 100.3

>>> "jbanks@ishoutout.com" <jbanks@ishoutout.com> 9/12/2013 11:23 AM >>>  
Hey,

I love the Coyote station being on 100.3....I cant get it over here in Cda on 99.9? I hear rumors of doing away with the 100.3 one..is that true? I hope not...because then I couldn't listen to it over here?!

Jeremiah Banks  
1723 W. Monet Drive  
Coeur d'Alene, Idaho 83815

Thanks!

Jeremiah Banks  
Mobile Marketing Partner  
855-275-5489  
jbanks@ishoutout.com  
www.ishoutout.com

Jeremiah Banks  
Mobile Marketing Partner  
855-275-5489  
[jbanks@ishoutout.com](mailto:jbanks@ishoutout.com)  
[www.ishoutout.com](http://www.ishoutout.com)

9/12/2013

**David O'Neil**

---

**From:** Jay Daniels [jayd@kxly.com]  
**Sent:** Thursday, September 12, 2013 2:29 PM  
**To:** David O'Neil; Rebecca Rini  
**Subject:** Fwd: I listen to Coyote Country

>>> Zoe <zoegirl74@hotmail.com> 9/12/2013 11:14 AM >>>  
I love to listen to Coyote Country at 100.3 fm. But I can not listen to them up on 99.9. I Love your station

Shari Aiken  
4948 Cougar Circl  
Coeur D Alene Id 83814

**David O'Neil**

---

**From:** Jay Daniels [jayd@kxly.com]  
**Sent:** Thursday, September 12, 2013 2:32 PM  
**To:** Tim Anderson  
**Subject:** Fwd: 100.3

>>> Savannah Clapper <savannah.clapper90@gmail.com> 9/12/2013 11:27 AM >>>

Hey I can't pick up coyote country on the station on 99.9 on cda and I really love the station please keep 100.3 fm :(

Savannah Clapper  
421 W Lacrosse Ave  
Coeur d Alene, ID 83814

9/12/2013

**David O'Neil**

---

**From:** Jay Daniels [jayd@kxly.com]  
**Sent:** Thursday, September 12, 2013 2:31 PM  
**To:** Tim Anderson  
**Subject:** Fwd: Thank you for the great music!

>>> "Chrissy Aresvik" <Chrissy@clarkbhf.com> 9/12/2013 11:28 AM >>>  
Hi,

I am in the Coeur d' Alene area and listen to you on 100.3 FM because I can't get 99.9. ☺ BEST MORNING SHOW EVER!! Thank you guys so much, I don't know what I would do without you to wake me up and make me giggle each morning!

Happy Thursday! ☺ ☺

Chrissy Aresvik  
11916 N. Reed Road  
Hayden, ID 83835



David O'Neil

---

**From:** Jay Daniels [jayd@kxly.com]  
**Sent:** Thursday, September 12, 2013 2:33 PM  
**To:** Tim Anderson  
**Subject:** Fwd: 100.3

>>> Charity Yerian <missfj1103@gmail.com> 9/12/2013 11:26 AM >>>

Hey Jay,

I listen to you guys on 100.3. 99.9 comes in but the reception is poor and fuzzy. I love you guys and this station!! I think I've been listening for close to 15 years.

Keep up the good work!  
Charity Yerian  
2493 E. Eightmile Ave.  
Athol, ID 83801

--

When life knocks you flat, roll over and look at the stars.

9/12/2013

**David O'Neil**

---

**From:** Jay Daniels [jayd@kxly.com]  
**Sent:** Thursday, September 12, 2013 2:57 PM  
**To:** Tim Anderson  
**Subject:** Fwd: Coyote country

>>> Ashley Kelley <akelley21@me.com> 9/12/2013 11:55 AM >>>  
I love 99.9 coyote country but I use 100.3 to pick up the station in CDA/Hayden

Home  
10960 N Maple St  
Hayden ID 83835

Work  
1106 e Sherman ave  
CDA ID 83814

Sent from my iPhone

9/12/2013

**David O'Neil**

---

**From:** Jay Daniels [jayd@kxly.com]  
**Sent:** Thursday, September 12, 2013 2:51 PM  
**To:** Tim Anderson  
**Subject:** Fwd: 100.3

>>> John Hauser <jhauser22@hotmail.com> 9/12/2013 11:43 AM >>>  
I hear that we may be losing 100.3 fm. Hear in cda it's the only spot on the radio where we can get coyote country. In my opinion this would be a tragic mistake for your Idaho listeners.  
Thanks

John

3015 n. 4th street apt 94  
CDA ID, 83815

9/12/2013

**EXHIBIT 3**

**DECLARATION OF SANDY MAITLAND**

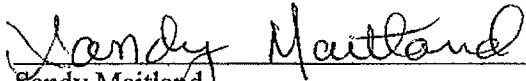
### DECLARATION OF SANDY MAITLAND

My name is Sandy Maitland and I hereby submit this declaration in support of the pleading that QueenB Radio, Inc., the licensee of 100.3 K262AG, is filing with regard to the application for construction permit for a new 100.3 MHz FM translator station at Coeur D'Alene, Idaho. I am concerned that operation of this new translator station will no longer let me listen to KXLY-FM's Coyote Country on K262AG.

I have been a listener of Coyote's 100.3 MHz translator K262AG for the past five years. I listen to the station each day between 6:00 a.m. through 10:00 a.m. while at home at 4177 Echo Glenn, Coeur D'Alene, ID 83815. I also listen to the station while I am driving around Coeur D'Alene and Hayden. I enjoy the country music broadcast on KXLY-FM and cannot listen to KXLY-FM on its regular frequency, 99.9 MHz. However, I can listen clearly to KXLY-FM on its 100.3 MHz translator.

If the FCC grants the application for a new FM translator station at Coeur D'Alene, Idaho on the same 100.3 MHz frequency as Coyote's K262AG, I am worried that I will no longer be able to listen to the Jay & Kevin Show on Coyote's K262AG. The FCC should not grant the new 100.3 Coeur D'Alene, Idaho translator station application.

The following statement is hereby made under the penalty of perjury, and to the best of my information, knowledge, and belief, is complete and accurate.

  
Sandy Maitland  
4177 Echo Glenn  
Coeur D'Alene, ID 83815  
(208) 660-0484

October 9, 2013

**EXHIBIT 4**

**DECLARATION OF NIKKI LAMBERT**

### **DECLARATION OF NIKKI LAMBERT**

My name is Nikki Lambert and I hereby submit this declaration in support of the pleading that QueenB Radio, Inc., the licensee of 100.3 K262AG, is filing with regard to the application for construction permit for a new 100.3 MHz FM translator station at Coeur D'Alene, Idaho. I am concerned that operation of this new translator station will no longer let me listen to KXLY-FM's Coyote Country on K262AG.

I have been a listener of Coyote's 100.3 MHz translator K262AG for several years. At home I listen to KXLY-FM on 100.3 at least twice a week in the morning (2712 W. Wilbur Avenue, Coeur D'Alene, Idaho 83815). I listen to KXLY-FM in my car when driving my children to and from school each day (Woodland Middle School and Skyway Elementary). I can listen to KXLY-FM on 99.9 MHz in my neighborhood and south of West Prairie Avenue between North Atlas Road and North Ramsay Road. However, when I travel north of West Prairie Avenue between North Atlas Road and North Ramsay Road as part of car pooling when dropping off and picking up my children from school, I can no longer listen to KXLY-FM on 99.9 MHz and instead must switch to 100.3 MHz. I enjoy the country music broadcast on KXLY-FM, especially the Jay & Kevin Show in the morning.

If the FCC grants the application for a new FM translator station at Coeur D'Alene, Idaho on the same 100.3 MHz frequency as Coyote's K262AG, I am worried that I will no longer be able to listen to the Coyote's K262AG at home and in my car. The FCC should not grant the new 100.3 Coeur D'Alene, Idaho translator station application.

The following statement is hereby made under the penalty of perjury, and to the best of my information, knowledge, and belief, is complete and accurate.

*Nikki Lambert*

Nikki Lambert  
2712 W. Wilbur Avenue  
Coeur D'Alene, ID 83815  
(208) 819-7686

October 11, 2013



**EXHIBIT 5**

**DECLARATION OF JASON LAMBERT**

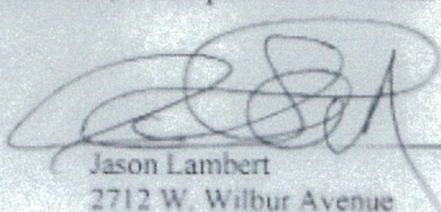
### DECLARATION OF JASON LAMBERT

My name is Jason Lambert and I hereby submit this declaration in support of the pleading that QueenB Radio, Inc., the licensee of 100.3 K262AG, is filing with regard to the application for construction permit for a new 100.3 MHz FM translator station at Coeur D'Alene, Idaho. I am concerned that operation of this new translator station will no longer let me listen to KXLY-FM's Coyote Country on K262AG.

I have been a listener of Coyote's 100.3 MHz translator K262AG for several years. I listen to KXLY-FM four times a week mornings and afternoon as I travel along Interstate 90 between North Ramsey Street in Coeur D'Alene, Idaho and Hamilton Street in Spokane, Washington where I attend Gonzaga University. When listening to KXLY-FM along Interstate 90 I have to alternate between listening on 99.9 MHz and 100.3 MHz. I enjoy the country music broadcast on KXLY-FM, especially the Jay & Kevin Show in the morning.

If the FCC grants the application for a new FM translator station at Coeur D'Alene, Idaho on the same 100.3 MHz frequency as Coyote's K262AG, I am worried that I will no longer be able to listen to the Coyote's K262AG. The FCC should not grant the new 100.3 Coeur D'Alene, Idaho translator station application.

The following statement is hereby made under the penalty of perjury, and to the best of my information, knowledge, and belief, is complete and accurate.



Jason Lambert  
2712 W. Wilbur Avenue  
Coeur D'Alene, ID 83815  
(208) 819-7686

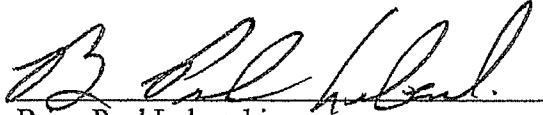
October 11, 2013

**EXHIBIT 6**

**DECLARATION OF BRIAN PAUL LUBANSKI**

**DECLARATION OF BRIAN PAUL LUBANSKI**

My name is Brian Paul Lubanski. I am Vice President and General Manager of QueenB Radio, Inc. I have reviewed the Reply to Opposition to Petition to Deny and to the best of my information, knowledge, and belief, it is complete and accurate. This declaration is submitted under the penalty of perjury.

A handwritten signature in black ink, appearing to read 'B. Paul Lubanski', written over a horizontal line.


Brian Paul Lubanski  
QueenB Radio, Inc.  
500 W. Boone Avenue  
Spokane, WA 99201  
(509) 324-4000

October 31, 2013

**CERTIFICATE OF SERVICE**

I, David G. O'Neil, do hereby certify that a true and correct copy of the foregoing "Reply to Opposition to Petition to Deny" was sent via regular mail this 31st day of October 2013 to the following:

Ernest T. Sanchez  
The Sanchez Law Firm PC  
2300 M Street, NW  
Suite 800  
Washington, DC 20037  
(Counsel for Spokane Radio, Inc.)

  
\_\_\_\_\_  
David G. O'Neil